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Legal Architecture and Controversies Surrounding One Nation, One Election in India

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ABSTRACT

India, the world's biggest democracy, conducts elections at multiple levels elections. The concept of "One Nation, One Election" proposes synchronizing these elections so that all polls General Elections are held simultaneously across the country. This idea aims to streamline the electoral process, reduce election-related expenditure, and ensure administrative efficiency. The discussion around One Nation, One Election is not new. Since then, elections have been held at different times, leading to frequent imposition of the Model Code of Conduct, policy paralysis, and increased financial and logistical burdens.

Keywords: Legal Framework, Elections.

I. INTRODUCTION

The idea of **"One Nation, One Election"** aims to streamline the electoral process, reduce election-related expenses, and minimize the disruption of governance due to frequent polls. Historically, simultaneous elections were conducted in India until 1967, but they were later disrupted due to premature dissolutions of state assemblies.² Advocates argue that implementing this system will ensure administrative efficiency, political stability, and continuous governance without frequent implementation of the Model Code of Conduct. However, critics highlight challenges such as constitutional amendments, logistical difficulties, and concerns over federalism, as elections at different levels address distinct regional and national issues.³ The debate over **"One Nation, One Election"** continues, balancing the need for electoral reform with democratic principles.⁴ While it promises several benefits, its implementation would require constitutional amendments and political consensus.⁵ The debate

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² Dr. Prasanna Vijay, "Harmonizing Democracy: Assessing the Feasibility and Implications of One Nation One Election in India," *Journal of Legal Studies & Research*, Volume: 9, Issue: 6 (2023).

³ Sanjana Dwivedi and Dr. Ashish Kumar Singhal, "One Nation, One Election: A Constitutional Dilemma," *Indian Journal of Law and Legal Research*, Volume: 5, Issue: 5 (2023).

⁴ Ajay Raj Singh and Sonal Jain, Constitutional Aspects and Challenges for Implementing One Nation One Election," *International Journal of Law Management & Humanities*, Volume: 7, Issue: 1 (2024).

⁵ Nivedha Parthasarathy, "One Nation One Election – A Critical Analysis" *DME Journal of Law*, Volume: 4, Issue: 1 (2023).

on One Nation, One Election remains crucial in India's democratic evolution, requiring a balanced approach that considers both administrative efficiency and federal integrity.⁶

The Indian Constitution, under Articles 83(2) and 172(1), mandates a five-year term for Parliament and State Assemblies but allows for premature dissolution. To ensure simultaneous elections, amendments to these provisions, along with Articles 85, 174, 324, and 356, would be necessary. The Representation of the People Act, 1951 would also require alterations to align election events. One Nation, One Election raises concerns regarding federalism, as state governments may resist losing control over their election schedules. The Election Commission of India (ECI) would need expanded powers to oversee and implement nationwide polling efficiently. While ONOE aims to reduce election costs, enhance governance stability, and improve voter participation, its feasibility depends on achieving political consensus, judicial approval, and robust administrative mechanisms.

Constitutional provisions (Articles 324-329)

The Constitutional Provisions related to elections in India are:

Article 324 of the Constitution: This article grants the ensures free and fair elections which are the cornerstone of democracy, protects the electoral process from executive interference, provides flexibility and wide powers to deal with new challenges during elections.⁷

Article 325 of the Constitution:

1. To promote national integration and equality.
2. To prevent discrimination in electoral participation.
3. To reinforce the idea of a secular and egalitarian democratic polity.
4. To ensure that universal adult suffrage (right to vote for all adults without discrimination) is meaningful and effective.⁸

Article 326 of the Constitution provide:

- Voting Age: 18 years (after 1988 amendment).
- Eligibility: Citizenship + Age + No disqualifications.
- No discrimination based on wealth, education, gender, caste, religion, or social status.

⁶ Dr. Ramesh Kumar, "Simultaneous Elections in India: Prospects and Challenges," *Indian Journal of Political Science*, Volume: 76, Issue: 3 (2024).

⁷ Constitution of India, 1950, art. 324.

⁸ Constitution of India, 1950, art. 325.

- Voting Right: Statutory right, not a fundamental right, but critical for the functioning of democracy.

Article 327: Power of Parliament to Make Laws Regarding Elections

- To ensure uniformity and fairness in the election process across the country.
- To provide a legal framework for conducting free and fair elections.
- To enable Parliament to address any emerging issues in the election process through legislation.⁹

Article 328: Power of State Legislature to Make Laws Regarding Elections

- To empower the States to regulate their own elections where Parliament has not made provisions.
- To ensure smooth and orderly elections at the state level.
- To allow decentralization of election-related governance, promoting local autonomy within the constitutional framework.¹⁰

II. ROLE OF ELECTION COMMISSION OF INDIA

It is responsible for conducting free and fair elections in India.

1. Conducting Elections and Model Code of Conduct (MCC): Organizes elections in all over in India. Ensures political parties adhere to ethical election practices.
2. Electoral Reforms: Proposes and implements electoral reforms to improve transparency and efficiency.
3. Supervision of Political Parties: Registers political parties and monitors their functioning.
4. Voter Registration & Awareness: Oversees voter registration drives and promotes electoral participation.
5. Addressing Electoral Malpractices: Takes action against corrupt practices, rigging, and misuse of government resources.

Constitutional Amendments Required for Implementation

Constitutional Amendments Needed

⁹ Constitution of India, 1950, art. 327.

¹⁰ Constitution of India, 1950, art. 328.

1. Article 83 & Article 172

○ Current Provision:

- Article 83(2): Lok Sabha term is 5 years unless dissolved earlier.
- Article 172(1): State Assemblies have a 5-year term unless dissolved earlier.

○ Amendment Required:

- Synchronizing the tenure of the Lok Sabha and all State Assemblies to allow elections at the same time.

2. Article 85 & Article 174

○ Current Provision:

- These articles give the President (for Parliament) and Governors (for State Assemblies) the power to dissolve houses and summon new sessions.

○ Amendment Required:

- Fixed election cycles with limited dissolution powers to prevent mid-term elections.

3. Article 356 (President's Rule)

- If a state government falls before the next scheduled election, a temporary arrangement (e.g., caretaker government) may be required to avoid separate elections.

4. Articles 324–329 (Election Commission's Powers & Conduct of Elections)

○ Amendment Required:

- ECI's role must be expanded to synchronize elections and handle a nationwide electoral process efficiently.

5. Representation of the People Act, 1951

○ Amendment Required:

- Provisions related to by-elections, electoral rolls, and polling procedures must be modified for simultaneous elections.

Representation of the People Act, 1951

1. Conduct of Elections: Specifies qualifications and disqualifications for MPs and MLAs, Details the procedure for nomination, polling, and counting of votes.¹¹
2. Qualifications & Disqualifications: Eligibility for contesting elections is based on citizenship, age, and other criteria. A person is disqualified if: Convicted of certain offenses (e.g., corruption, terrorism, or hate speech), Holds an office of profit under the government, Engages in corrupt practices or is insolvent.¹²
3. Electoral Offenses & Corrupt Practices: Bribery, impersonation, booth capturing, and other unfair means are punishable under the Act. Use of religion, caste, or community for electoral gains is prohibited. Defines corrupt practices such as bribery, undue influence, impersonation, and booth capturing. Provides for penalties and disqualifications in case of violations.
4. Election Disputes: Challenges to election results must be filed in the High Court within 45 days. The Supreme Court is the final authority in election disputes.¹³

III. ARGUMENTS IN FAVOUR OF ONE NATION, ONE ELECTION

1. Cost Reduction: Frequent elections involve huge expenses for the government, political parties, and candidates. Simultaneous elections would significantly cut down costs on polling infrastructure, security, and logistics.
2. Reduced Disruptions in Governance: Elections impose the Model Code of Conduct (MCC), restricting the government from launching new schemes. Continuous elections affect policy-making and development work. One-time elections will eliminate these disruptions.¹⁴
3. Enhanced Administrative Efficiency: Conducting elections requires diversion of administrative machinery (officials, police, teachers). Holding them simultaneously will free up resources for governance.
4. Reduced Burden on Security Forces: Elections require extensive deployment of police and paramilitary forces. A single election cycle would prevent overuse and fatigue of

¹¹ Ms. Ajija Sultana, "Evolution of Party System in India: A Historical Analysis," *Bharati International Journal of Multidisciplinary Research and Development*, Volume: 2, Issue: 11 (2020).

¹² Khushboo, "Evolution of Electoral Mechanism in India: A Historical Perspective," *International Journal of Arts, Humanities and Social Studies*, Volume: 6, Issue: 2 (2024).

¹³ S.Y. Quraishi, *India's Experiment with Democracy: The Life of a Nation Through Its Elections* 98 (HarperCollins, India, 2023).

¹⁴ Dr. Prasanna Vijay, "Harmonizing Democracy: Assessing the Feasibility and Implications of One Nation One Election in India," *Journal of Legal Studies & Research*, Volume: 9, Issue: 6 (2023).

security forces.¹⁵

5. More Focus on Governance, Less on Politics: Politicians are constantly in election mode, focusing on winning votes instead of delivering governance. A fixed election schedule will ensure they prioritize policy implementation.
6. Higher Voter Turnout: Voters often skip voting due to election fatigue. One-time elections will encourage higher voter participation, leading to more representative governance.¹⁶
7. Uniformity in Electoral Process: A single election cycle will streamline electoral procedures, making them more transparent, predictable, and fair.
8. Stability in Government Policies: Frequent elections force governments to focus on short-term populist policies. A stable tenure will promote long-term planning and reforms.¹⁷
9. Reduction in Communal and Caste-Based Politics: Frequent elections increase polarization and divisive politics. One election cycle will reduce communal rhetoric and promote national integration.
10. Strengthens National Unity: A uniform election cycle will foster a sense of national cohesion, making the democratic process more synchronized across states.
11. Easier Implementation of Central Schemes: State elections often lead to delays in implementing central government policies. A synchronized cycle will ensure uniform implementation of welfare programs.
12. Encourages Better Candidate Selection: Political parties will have more time to select capable candidates rather than rushing decisions due to continuous elections.
13. Reduces Political Black Money: Multiple elections encourage excessive use of black money in funding campaigns. One election will reduce cash transactions and enhance transparency.¹⁸

¹⁵ Ajay Raj Singh and Sonal Jain, Constitutional Aspects and Challenges for Implementing One Nation One Election,” *International Journal of Law Management & Humanities*, Volume: 7, Issue: 1 (2024).

¹⁶ Vinay Sahasrabudhe, *Beyond a Billion Ballots: Democratic Reforms for a Resurgent India* 87 (Wisdom Tree, India, 2014)..

¹⁷ Aditya Pratap Singh and Ambar Srivastava, “Legal Perspectives on the Feasibility of ‘One Nation, One Election,’” *International Journal of Law Management & Humanities*, Volume: 7, Issue: 2 (2024).

¹⁸ William Vanderbok, Richard Sisson, “Parties and Electorates from Raj to Swaraj: An Historical Analysis of Electoral Behavior in Late Colonial and Early Independent India,” *Social Science History*, Volume: 12, Issue: 2 (1988).

14. Facilitates Electoral Reforms: A single election cycle allows the Election Commission to focus on improving voter lists, security, and voting technology more effectively.

IV. CRITICISM OF ONE NATION ONE ELECTION

1. Constitutional and Legal Hurdles: The Indian Constitution provides for fixed five-year terms for legislatures but allows dissolution before term completion (Articles 83 & 172). Synchronizing elections requires constitutional amendments, making it legally complex.¹⁹
2. Federalism Concerns: India follows a federal structure, where states have the right to govern independently. Forcing a uniform election cycle undermines state autonomy.
3. Difficulty in Implementing Mid-Term Elections: If a government falls mid-term, conducting elections for only one state would break the "One Election" principle, making implementation difficult.
4. Massive Logistical Challenges: Conducting elections across all states and Parliament simultaneously requires a huge deployment of security forces, election officials, and EVMs, making it extremely difficult to manage.
5. Impact on Regional Issues: Regional parties highlight state-specific concerns during state elections. A national-level election might overshadow local issues, weakening regional democracy.²⁰
6. Favouring National Parties Over Regional Parties: Larger national parties (BJP, Congress) have more resources, while regional parties may struggle to campaign at the same time for both state and national elections.
7. Voter Confusion: People vote differently for state and national elections. If both are held together, voter preferences may get mixed, leading to unfair advantages for national parties.
8. Loss of Flexibility in Governance: In a democracy, governments should be accountable to the people at regular intervals. One election every five years reduces people's ability to express dissatisfaction.²¹

¹⁹ Dr. Anjali Verma, "One Nation, One Election: Impact on Regional Parties," *Journal of Indian Law and Society*, Volume: 12, Issue: 2 (2023).

²⁰ Dr. Suresh Patil, "Simultaneous Elections and Indian Federalism," *Journal of Constitutional Studies* Volume: 9, Issue: 1 (2023).

²¹ S.Y. Quraishi, *India's Experiment with Democracy: The Life of a Nation Through Its Elections* 76 (HarperCollins, India, 2023).

9. Higher Risk of Election Manipulation: If elections are held at once, any manipulation or tampering could affect the entire country instead of only one state or region.
10. Election Fatigue and Campaign Overload: A single large election cycle will result in a very high-intensity campaign, leading to voter fatigue and excessive political drama.
11. Complexity in Organizing Polls in Large States: States like Uttar Pradesh, Maharashtra, and Tamil Nadu have vast electorates. Managing simultaneous elections in such large regions will be extremely challenging.²²
12. Resistance from Political Parties: Many regional and opposition parties oppose the idea, as it may benefit larger parties with better resources.
13. Risk of Governance Paralysis before Elections: With a fixed election cycle, governments might delay key decisions, avoiding unpopular policies just before elections, leading to stagnation in governance.²³
14. Difficulty in Security Management: Deploying adequate paramilitary forces and police across the entire country at the same time is difficult, increasing the risk of violence and electoral malpractices.²⁴
15. Constitutional Amendments Needed in Multiple Areas: Amending the RPA, 1951, and Articles 83, 85, 172, 174, and 356 of the Constitution would require approval from two-thirds of Parliament and half of the states, which is politically difficult.
16. Adverse Impact on Coalition Governments: Coalition governments are common in India. If a coalition collapses early, waiting for the next election cycle would create governance instability.²⁵
17. Financial Burden in Initial Implementation: Shifting to simultaneous elections requires large-scale investments in Electronic Voting Machines (EVMs), logistics, and election security, increasing short-term financial costs.
18. Historical Failures of Simultaneous Elections: India followed simultaneous elections from 1952 to 1967, but political instability broke the cycle. The same could happen again, making the transition ineffective.

²² Dr. Abhay Kumar Verma, "Electoral Reforms in India: Needs, Issues, and Challenges," *International Journal of History and Political Sciences*, Volume: 3, Issue: 5 (2023).

²³ Rajdeep Sardesai, *2014: The Election that Changed India* 75 (Penguin Books India, India, 2015).

²⁴ Sapna Chadah, *One Nation, One Election* 78 (Prints Publications Pvt Ltd, India, 2023).

²⁵ Vinay Sahasrabudhe, *Beyond a Billion Ballots: Democratic Reforms for a Resurgent India* 79 (Wisdom Tree, India, 2014)..

V. CONCLUSION

This **One Nation, One Election** idea was originally practiced in the **1952, 1957, 1962, and 1967** elections but was disrupted due to premature dissolutions of certain state legislatures and later, the Lok Sabha in **1970**. The concept has been revived in recent years as a means to **reduce election costs, minimize governance disruptions, and enhance administrative efficiency**. Proponents argue that frequent elections lead to **policy paralysis, excessive expenditure, and misuse of resources**, while critics emphasize its **challenges to federalism, regional representation, and logistical feasibility**. However, the cycle was disrupted due to the premature dissolution of some State Assemblies in the late 1960s and later, the Lok Sabha in 1970. Since then, elections at the national and state levels have been held separately, leading to frequent polls across the country. Over time, concerns regarding the financial burden, administrative challenges, and the disruption of governance due to frequent elections have revived the debate on restoring the **One Nation, One Election** system. Several committees, including the Law Commission of India (1999, 2018) and the NITI Aayog, have examined its feasibility. The idea has gained momentum in recent years, with discussions on its legal, constitutional, and logistical implications continuing at various levels of government.

The **Election Commission of India** would need enhanced powers and resources to manage nationwide simultaneous elections effectively. However, the proposal faces significant criticism. Critics argue that it undermines **federalism**, as state governments may lose their autonomy in deciding election schedules. Logistical challenges, such as managing security and electoral infrastructure across the country, pose additional concerns. Political opposition also arises from regional parties, who fear that synchronized elections may favour national parties and diminish the focus on local governance. Also, scholars caution that infrequent elections could reduce **government accountability**, as voters lose the opportunity to express their approval or dissatisfaction at regular intervals. Moreover, criticisms such as the risk to federalism, governance instability, security concerns, and potential disadvantages for regional parties highlight the complexities involved. While the proposal could enhance efficiency and voter participation, its feasibility depends on achieving political consensus, robust legal reforms, and safeguarding democratic principles. A phased or hybrid approach, along with comprehensive discussions among stakeholders, may offer a more practical path forward.
